

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	
ZACARIAS MOUSSAOUI)	
a/k/a "Shaqil,")	
a/k/a "Abu Khalid)	
al Sahrawi,")	
)	
Defendant.)	

ORDER

The defendant, acting pro se, has filed two handwritten, uncaptioned documents the first of which we deem to be a Motion to Dismiss Court-Appointed Counsel and to Proceed Pro Se ("Motion to Dismiss Court-Appointed Counsel")(Docket #112); and the second of which we deem to be an Opposition to Mental Competency Evaluation; a Motion for the Recusal of the Trial Judge; and a repetitive Motion to Dismiss Court-Appointed Counsel and to Proceed Pro Se (Docket #113).¹ These submissions were filed on April 25, 2002.

To the extent that the defendant continues to move the Court to dismiss his court-appointed counsel and permit the defendant to represent himself, defendant is repeating what he requested in

¹ On the envelope containing this motion, defendant asks for the address of the "Virginia Court of Appeals." Because the defendant is being prosecuted in federal court not state court, any appeals of this Court's rulings should be forwarded to Patricia S. Connor, Clerk, United States Court of Appeals for the Fourth Circuit, 1100 E. Main Street, 5th Floor, Richmond, Virginia 23219.

open court on April 22, 2002. Consistent with our ruling in open court and in our Order dated April 22, 2002, these motions will not be resolved until the mental health evaluation has been completed. For these reasons, the Motion to Dismiss Court-Appointed Counsel (Docket #112) and the portion of Docket #113 that raises the same issue are DEFERRED until the mental competency evaluation is complete.

In his Opposition to Mental Competency Evaluation, the defendant has offered no rational reason to oppose the evaluation. In fact, opposing the evaluation is inconsistent with the defendant's desire to represent himself because the Court will not be able to resolve the voluntariness of that decision without the evaluation. Therefore, the Opposition to the Mental Competency Evaluation is DENIED.

In his Motion for the Recusal of the Trial Judge, the defendant contends that the Court has demonstrated a lack of impartiality by stating that the trial must proceed quickly; by not challenging the government's refusal to have an "open door" discovery policy; and by referring to the defendant as "unorthodox and unpredictable." He also alleges that because the Federal Public Defender, who is one of his court-appointed attorneys, once was a supervisor in the office where the trial judge worked as a lawyer, the Court is not impartial.

Recusal is appropriate where a court's impartiality might be reasonably questioned or where a judge has a personal bias or

prejudice concerning a party. 28 U.S.C. § 455. The defendant has not alleged any facts that would support such a finding in this case. A judge's efforts to manage a trial expeditiously is not evidence of a lack of impartiality. Indeed, the prompt resolution of criminal matters is a legitimate goal of the American criminal justice system, recognized, for example, in the Speedy Trial Act, 18 U.S.C. §§ 1361-74 (1974). Therefore, the defendant presents no basis for recusal on this ground. As to the defendant's second ground for recusal, no motion for discovery has been filed, and the Court has not been asked to order an "open door" discovery policy. Therefore, this claim is meritless.

In his third claim, the defendant argues that the Court's description of the defendant's courtroom conduct as "unorthodox" and "unpredictable" demonstrates a bias against him. Normally, a defendant in a criminal case pleads not guilty at arraignment. As the record shows, however, at his arraignment, the defendant refused to enter any plea to the charges. Such conduct is unorthodox and suggests that the defendant's behavior in the courtroom may be unpredictable. These adjectives are accurate descriptions of defendant's conduct, which the Court used to explain its refusal to grant media requests to televise the proceedings. See Memorandum Opinion of January 18, 2002. A court is required to give reasons for its decisions. Unfavorable rulings or opinions issued during judicial proceedings, or

judicial remarks with which a party does not agree, even if critical of or hostile to a party, do not support a claim of bias unless "they display a deep-seated favoritism or antagonism that would make fair judgment impossible." Liteky v. United States, 510 U.S. 540, 555 (1994). The comments at issue and the context in which they were made do not come close to showing bias. Therefore, this argument is meritless. Lastly, that over 22 years ago the Federal Public Defender was a supervisor in the office where the undersigned trial judge worked as a lawyer is not evidence of any professional or personal bias against the defendant.² Because all of defendant's allegations are meritless, his pro se Motion for the Recusal of the Trial Judge is DENIED.

The Clerk is directed to forward copies of this Order to the defendant, counsel of record, and the Court Security Officer.

Entered this 29th day of April, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

² As the record shows, this Court played no part in the appointment of Mr. Moussaoui's counsel. All of the defendant's current counsel were appointed by the Chief Judge before this case was assigned to a trial judge.